

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:19-CR-12-FL-1

No. 2:19-CR-12-FL-2

UNITED STATES OF AMERICA)	
)	ORDER ALLOWING
v.)	ALTERNATIVE VICTIM NOTIFICATION
)	UNDER 18 U.S.C. § 3771(d)(2)
CAPT. NEILL'S SEAFOOD, INC.)	
PHILLIP R. CARAWAN)	

This matter comes before the Court by motion of the United States for alternative victim notification pursuant to 18 U.S.C. § 3771(d)(2). Under 18 U.S.C. § 3771(a)(2), crime victims have a right to “reasonable, accurate, and timely notice” of public court proceedings. The statute provides the Court with some flexibility in fashioning the method of such notice when there are a large number of victims:

In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.

18 U.S.C. § 3771(d)(2).

In this case, Defendant Phillip R. Carawan was the owner, President, and Chief Executive Officer, of Defendant Capt. Neill's Seafood, Inc., a North Carolina company engaged in the business of purchasing, processing, packaging, transporting, and selling seafood and seafood products, including crab meat from domestically harvested blue crab. According to the documents filed in the case and the government's motion, Defendants substituted and caused to be substituted foreign

crab meat for domestic jumbo lump blue crab. Defendants falsely labeled approximately 179,872 pounds of crab meat which was then sold in one-pound containers to primarily one wholesale membership club, which, in turn, offered the items for sale to their customers. The membership club identified approximately 113,000 sales of the crab meat. The government considers those purchasers, in addition to the wholesale membership club and retailers, to be victims of Defendants' criminal offense.

The government represents that notice has been provided to the wholesale membership club and identified retailers. However, the government contends, and the Court agrees, that the number of individual purchasers/victims make compliance with the notification requirements and rights outlined in section 3771(a), (b), and (c) impracticable. The government seeks authorization to provide an alternate means to provide notice to the large number of crime victims in this case. In its motion, the government sets out its proposed actions to comply with 18 U.S.C. § 3771. The Court finds the proposal meritorious and **GRANTS** the government's motion.

Under these circumstances, 18 U.S.C. § 3771(d)(2) of the Crimes Victims' Rights Act gives the Court the authority to "fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings." Therefore, the Court finds that: (1) the "multiple victim" provisions of 18 U.S.C. § 3771(d)(2) apply to the above-captioned matter; (2) it is impractical, because of the number of victims, for the government and the Court to identify or provide notice of

proceedings to all the direct and proximate victims of the charged offenses, on an individual basis, without unduly complicating or prolonging the proceedings; and (3) the proposal set forth in the government's motion is a "reasonable procedure" to give effect to the provisions of 18 U.S.C. § 3771.

Accordingly, it is hereby ORDERED that the government is authorized to comply with the provisions of 18 U.S.C. § 3771(a)(2) in the above entitled and numbered cause by providing notice of the court proceedings through the Justice Department's website for large cases, <http://justice.gov/largecases/>, directing victims to a case-specific website where all required notices will be posted as well as the United States Attorney's Office for the Eastern District of North Carolina's case specific website at:

<https://www.justice.gov/usao-ednc/captneillsseafoodvictiminformationpage>.

The Government shall issue a press release informing individuals who believe they may be victims to access the Justice Department website for more information as well as the case specific website.

SO ORDERED this 6th day of August, 2019.


HONORABLE LOUISE W. FLANAGAN
UNITED STATES DISTRICT JUDGE